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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,190	07/02/2001	William Spence Rouverol		8778
7590	09/20/2004		EXAMINER	
Votesure llc 1735 Martin Luther King Way Berkeley, CA 94709			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/895,190	ROUVEROL, WILLIAM SPENCE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Uyen-Chau N. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Prelim. Amdt/Amendment***

1. Receipt is acknowledged of the Amendment filed 21 November 2003.

### ***Drawings***

2. The drawings were received on 26 July 2003. These drawings are accepted by the examiner.

### ***Specification***

3. The abstract of the disclosure is objected to because the abstract should be less than 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

4. Claims 1, 12, 17 and 22 are objected to because of the following informalities:

Re claim 1, line 3: Substitute “the plane” with -- a plane --.

Re claim 1, line 4: Substitute “the user” with -- a user --.

Re claim 12, line 3: Substitute “punch out” with -- punched out --.

Re claim 12, line 4: Substitute “the free end” with -- a free end --.

Re claim 12, line 4: Substitute “said road probe” with -- said slender probe --.

Re claim 12, lines 4-5: Substitute “the punching operation” with -- a punching operation --.

Re claim 17, line 3: Substitute “the leaves” with -- leaves --.

Re claim 22, line 4: Substitute “the free end” with -- a free end --.

Re claim 22, lines 4-5: Substitute “the punching operation” with -- a punching operation --.

Re claim 22, line 5: Substitute “at the tip a short needle” with -- a tip as a short needle --.

Appropriate correction is required.

***Allowable Subject Matter***

5. The indicated allowability of claims 19-20 are withdrawn in view of the newly discovered reference(s) to Harris and Bowen et al. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 7-9, 11, 13, 15-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 3,240,409) in view of Bowen et al (US 3,655,945).

Re claim 1, Harris discloses a punch card device including a punch 64, a die 13 having a flat area adapted to support a machine-processable record card 5 while the card 5 is being punched (fig. 2; col. 2, lines 15+).

Harris fails to teach or fairly suggest a light source mounted below a plane of the flat area in a position to direct light through an aperture made in the card by the punch and thence toward an eye of the user of the device.

Bowen et al teaches a light source 272 mounted below a plane of the flat area 252 in a position to direct light through an aperture 270 made in the card 13 by the punch 256 (fig. 6; col. 5, line 72 through col. 6, line 8).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Bowen et al into the system as taught by Harris in order to provide Harris with a more accurate system wherein the user has the ability to ensure whether or not a hole was punched at the right/intended position due to the lighting through the punched hole/aperture, and therefore an obvious expedient.

Re claims 2 and 13, Harris as modified by Bowen et al has been discussed above but fails to teach or fairly suggest that the light source includes an electric light bulb and a mirror.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a mirror into the teachings of Harris/Bowen et al in order to provide Harris/Bowen et al with a more feasible system wherein the light from the light source is reflected from the mirror and shine directly to the aperture/hole of the punched card, thus number of light bulbs required is decreased, and therefore, providing a more power consumption system.

Re claim 7: an upper surface of the die 13 is made of a material that is pervious to light (e.g., inner template 18, which is made of transparent material) (see Harris: col. 2, lines 25+ and col. 6, lines 30+).

Re claim 8: Harris/Bowen et al discloses an upper surface of the die 13 is supported on ribs 10 (see Harris: fig. 8; col. 2, lines 9+ and col. 6, lines 20+), but fails to teach or fairly suggest that the ribs made of transparent material.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the material of the ribs with a transparent material into the punching system as taught by Harris/Bowen et al in order to transmit the light from the light source to a punched hole made in the voting card by the punch, and thus providing a more accurate system wherein the user/voter has a capability of ensuring his/her intended punching location, and therefore an obvious expedient.

Re claim 9: Harris/Bowen et al fails to teach or fairly suggest at least one transparent pane is interposed between the light source and chads punched out of the card.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a transparent pane between the light source and chads punched out of the card into the system of Harris/Bowen et al in order to prevent chads from covering/blocking the light path. Furthermore, such modification would have been an obvious engineering variation, well within the ordinary skill in the art, for transmitting light (i.e., transparent material) from the source to the aperture made in the card by the punch, and therefore an obvious expedient.

Re claim 11: an open space is provided below the die 13 (see Harris: figs. 2 & 5).

Re claims 15-20: Harris discloses the card 5 has a plurality of chips 62, which serves as preperforated areas arranged in a plurality of rows and a plurality of columns (fig. 9); wherein the device has a plurality of leaves 45, each having an edge to a different column of the chips/pre-perforated areas (figs. 2 & 5; col. 2, lines 65+; col. 3, lines 2+ and col. 4, lines 15+); the device also having an opaque outer template 28 mounted immediately underneath the plane and having an aperture adjacent to each choices (fig. 9; col. 3, lines 35+ and col. 6, line 28+); a transparent inner template 18 immediately underneath the outer template 28 and having aperture in register with each

chip/preperforated area of the card 5 when the card 5 has been inserted into the device sufficiently to bear against a flange 48 (col. 2, line 68 through col. 3, line 22); the card 5 shifting the inner template 18 to a position of register of the apertures in the inner and the outer templates 18, 28 against the urging of a light spring 25 (col. 3, lines 48+).

Re claim 21: Harris discloses an upper surface of the die 13 is made of a resilient material (col.7, line 40) and has slits 14 (col. 2, lines 16+).

Re claim 23: a rectangular open-top box is snapped to the underside of the device beneath the die, adapted to catch all chads punched out of the card (see Harris: figs. 2 & 5).

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as modified by Bowen et al as applied to claim 1 above, and further in view of Yamashita et al (US 3,943,337). The teachings of Harris as modified by Bowen et al have been discussed above.

Re claims 3 and 4, Harris/Bowen et al has been discussed above but fails to teach or fairly suggest that the light source includes two electric bulbs/an electric bulb and partially surrounded by a reflector.

Yamashita et al teaches a light source 10 including two to six lamps partially surrounded by a reflector 11 (fig. 1; col. 2, lines 56+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yamashita et al into the teachings of Harris/Bowen et al in order to provide Harris/Bowen et al with a more accurate system wherein the reflector would help to direct the light to the aperture/hole of a punched card more direct and more accurate, which would provide the user a capability to verify his/her operation, and therefore an obvious expedient.

9. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as modified by Bowen et al as applied to claim 1 above, and further in view of Ahmann (US 3,620,587). The teachings of Harris as modified by Bowen et al have been discussed above.

Re claims 5 and 22: Harris/Bowen et al have been discussed above but fail to teach or fairly suggest that the light source includes an electric light bulb having an overall length greater than three times the bulb's maximum diameter and the stylus having a tip as a short needle, respectively.

Ahmann teaches an electric light bulb 73 having an overall length greater than three times the bulb's maximum diameter (fig. 8; col. 6, lines 60+), a stylus 66 having a tip as a short needle (see figs. 7-8).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the electric light bulb of Ahmann into the system as taught by Harris/Bowen et al in order to provide Harris/Bowen et al with a time consumption system wherein a hole can be punched readily due to the sharpness of the tip of the stylus. Furthermore, such modification would have been an obvious engineering variation, well within the ordinary skill in the art, for providing a sufficient light for the system, and thus reduces labor due to wiring more than one light bulb, and therefore an obvious expedient.

10. Claims 6, 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as modified by Bowen et al as applied to claim 1 above, and further in view of Cason Sr. et al (US 4,142,095). The teachings of Harris as modified by Bowen et al have been discussed above.

Re claims 6, 10 and 24, Harris/Bowen et al has been discussed above but fails to teach or fairly suggest that the light source is illuminated by an operation of a limit switch closed by the full

insertion of the card into the device; wherein the light source is mage visible to the user to indicate that the light source is energized, and the device is ready for voting, respectively.

Cason Sr. et al teaches when a voting card 10 is fully inserted, a switch 86 closes and the light 94 is illuminated (col. 3, lines 26+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cason Sr. et al into the teachings of Harris/Bowen et al in order to provide Harris/Bowen et al with a more accurate system wherein the light source will not be energized if the card is not fully inserted, thus preventing the card from being punched at an unintended location. Furthermore, such modification would provide a more power consumption system (i.e., due to the power saving during the time the card is not inserted).

11. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as modified by Bowen et al as applied to claim 1 above, and further in view of Rapp et al (US 5,260,550). The teachings of Harris as modified by Bowen et al have been discussed above.

Re claims 12 and 14: Harris/Bowen et al further discloses the punch 64 is in the form of a stylus with a handle and a slender probe made of a durable material and having a diameter smaller than the minimum width of the chip area, which serves as preperforated areas to be punched out of the card 5 (see Harris: figs. 7 & 8; col. 3, lines 59+).

Harris/Bowen et al fails to teach or fairly suggest that a free end of the slender probe being slightly rounded to prevent binding during operation; instruction to the user regarding a proper method for inserting the card and manipulating the punch are visible the user during a punching operation; respectively.

Rapp et al teaches a stylus 70 having a handle 157, a telescopic sleeve 112 and a free end is slightly rounded (e.g., at 119) (figs. 5 and 15; col. 6, lines 16+ and col. 8, lines 24-50); instruction to the user regarding a proper method for inserting the card and manipulating the punch are visible the user during a punching operation (figs. 1-2, 4 and 8).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Rapp et al into the teachings of Harris/Bowen et al in order to provide Harris/Bowen et al with an easy operated system (i.e., due to the handle for the punch, and the provided step by step instruction), and thus providing a more accurate system (i.e., the user being guided throughout the operating process, which would eliminates errors in punching).

***Response to Arguments***

12. Applicant's arguments with respect to claims 1, 9-11, 15 and 24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon, Wed. and Fri. 5:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Uyen-Chau N. Le*  
Uyen-Chau N. Le  
September 13, 2004